

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

**CHAPTER 13 PLAN
AND RELATED MOTIONS**

Name of Debtor(s): **Andre L. Stevens
Brenda D. Stevens**

Case No: **06-30431**

This plan, dated **February 26, 2008**, is:

- ☐ the *first* Chapter 13 plan filed in this case.
- ☒ a modified plan, which replaces the plan dated **03/01/06**.

Date and Time of Modified Plan Confirming Hearing:

April 9, 2008 at 11:00 a.m.

Place of Modified Plan Confirmation Hearing:

Chief Judge Tice's Courtroom at 1100 E Main Street, Rm. 335, Richmond, VA 23219

The plan provisions modified by this filing are:

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Creditors affected by this modification are:

None

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than ten (10) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: **\$259,300.00**

Total Non-Priority Unsecured Debt: **\$32,431.00**

Total Priority Debt: **\$0.00**

Total Secured Debt: **\$117,200.00**

1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of **\$1,278.04 Monthly for 24 months, then \$1,565.00 Monthly for 36 months.** Other payments to the Trustee are as follows: NONE. The total amount to be paid into the plan is \$ 87,012.96.

2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

1. The Trustee will be paid 10% of all sums disbursed except for funds returned to the debtor(s).
2. Debtor(s)' attorney will be paid \$ 2,300.00 balance due of the total fee of \$ 3,000.00 concurrently with or prior to the payments to remaining creditors.

B. Claims under 11 U.S.C. § 507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Estimated Claim</u>	<u>Payment and Term</u>
-NONE-			

3. **Secured Creditors and Motions to Value Collateral.**

This paragraph provides for claims of creditors who hold debts that are secured by real or personal property of the debtors(s) but (a) are not secured solely by the debtor(s)' principal residence and (b) do not have a remaining term longer than the length of this plan.

A. Claims to Which § 506 Valuation is NOT Applicable. Claims listed in this subsection consist of debts secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor for which the debt was incurred within 910 days of the filing of the bankruptcy petition, or if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). **Upon confirmation of the plan, the interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) <u>Creditor</u>	(b) <u>Collateral</u>	(c) <u>Purchase Date</u>	(d) <u>Est Claim Amt</u>	(e) <u>Interest Rate</u>	(f) <u>Monthly Paymt& Estimate Term**</u>
-NONE-					

B. Claims to Which § 506 Valuation is Applicable. Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 3.A. After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. **Upon confirmation of the plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) <u>Creditor</u>	(b) <u>Collateral</u>	(c) <u>Purchase Date</u>	(d) <u>Replacement Value</u>	(e) <u>Interest Rate</u>	(f) <u>Monthly Paymt& Estimate Term**</u>
-NONE-					

**** THE MONTHLY PAYMENT STATED HERE SHALL BE THE ADEQUATE PROTECTION PAYMENTS PURSUANT TO 1326(a)(1)(C) TO THESE CREDITORS UNLESS OTHERWISE PROVIDED IN PARAGRAPH 11 OR BY SEPARATE ORDER OF THE COURT.**

- C. Collateral to be surrendered.** Upon confirmation of the plan, or before, the debtor will surrender his or her interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled shall be paid as a non-priority unsecured claim. The order confirming the plan shall have the effect of terminating the automatic stay as to the collateral surrendered.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Estimated Total Claim</u>	<u>Full Satisfaction (Y/N)</u>
-NONE-			

4. Unsecured Claims.

- A. Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 10 %. If this case were liquidated under Chapter 7, the debtor(s) estimate unsecured creditors would receive a dividend of approximately 0 %.

- B. Separately classified unsecured claims.**

<u>Creditor</u>	<u>Basis for Classification</u>	<u>Treatment</u>
-NONE-		

5. Long Term Debts and claims Secured by the Debtor(s)' Primary Residence.

Creditors listed below are either secured by the debtor(s)' principal residence or hold a debt the term of which extends beyond the term of this plan.

- A. Debtor(s) to pay claim directly.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Estimated Cure Period</u>	<u>Monthly Arrearage Payment</u>
Drive Time	1995 Buick Lesbre	100,000	418.16	0.00	0%	0 months

- B. Trustee to pay the contract payments and the arrearages.** The creditors listed below will be paid by the Trustee the regular contract monthly payments during the term of this plan. The arrearage claims, if any, will be cured by the Trustee by payments made either pro rata with other secured claims or by fixed monthly payments as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Term for Arrearage</u>	<u>Monthly Arrearage Payment</u>
Option One	19495 Courtney Road, Hanover, Virginia Split Foyer, 2 Story, Single Family Dwelling	1,052.00	9,835.39	0%	29 months	Prorata

6. Executory Contracts and Unexpired Leases. The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.

- A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u>	<u>Type of Contract</u>
-NONE-	

- B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Type of Contract</u>	<u>Arrearage</u>	<u>Monthly Payment for Arrears</u>	<u>Estimated Cure Period</u>
-NONE-				

7. Motions to Avoid Liens.

- A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f).** The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u>	<u>Collateral</u>	<u>Exemption Basis and Amount</u>	<u>Value of Collateral</u>
-NONE-			

- B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f).** The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for informational purposes only.

<u>Creditor</u>	<u>Type of Lien</u>	<u>Description of Collateral</u>	<u>Basis for Avoidance</u>
-NONE-			

8. Treatment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the plan.

- 9. Vesting of Property of the Estate.** Property of the estate shall revert in the debtor(s) upon confirmation of the plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, or encumber real property without approval of the court.
- 10. Incurrence of indebtedness.** During the term of the plan, the debtor(s) shall not voluntarily incur additional indebtedness in an amount exceeding \$5,000 without approval of the court.
- 11. Other provisions of this plan:**

Signatures:

Dated: February 26, 2008

/s/ Andre L. Stevens

Andre L. Stevens
Debtor

/s/ Andrew G. Adams III

Andrew G. Adams III
Debtor's Attorney

/s/ Brenda D. Stevens

Brenda D. Stevens
Joint Debtor

Exhibits: **Copy of Debtor(s)' Budget (Schedules I and J);**
 Matrix of Parties Served with plan

Certificate of Service

I certify that on February 26, 2008, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Andrew G. Adams III

Andrew G. Adams III
Signature

P.O. Box 1912
Richmond, VA 23218

Address

804-649-1000

Telephone No.

Ver. 06/28/06 [effective 09/01/06]

In re **Andre L. Stevens**
Brenda D. StevensCase No. **06-30431**

Debtor(s)

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 7, 11, 12, or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
Married	RELATIONSHIP: None.	AGE:
Employment:	DEBTOR	SPOUSE
Occupation	Warehouse Worker	Temp worker
Name of Employer	Verizon	Office Team
How long employed	26 Years	8 months
Address of Employer	7200 Chestnut Street Upper Darby, PA 19082	5720 Stoneridge Drive, Suite 3 Pleasanton, CA 94588

INCOME: (Estimate of average monthly income)

1. Current monthly gross wages, salary, and commissions (Prorate if not paid monthly.)
2. Estimate monthly overtime

	DEBTOR	SPOUSE
1.	\$ 4,023.50	\$ 758.33
2.	\$ 0.00	\$ 0.00
3. SUBTOTAL	\$ 4,023.50	\$ 758.33

4. LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security
b. Insurance
c. Union dues
d. Other (Specify) **See Detailed Income Attachment**

a.	\$ 916.63	\$ 68.81
b.	\$ 21.45	\$ 0.00
c.	\$ 52.30	\$ 0.00
d.	\$ 295.58	\$ 0.00

5. SUBTOTAL OF PAYROLL DEDUCTIONS

5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 1,285.96	\$ 68.81
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6. TOTAL NET MONTHLY TAKE HOME PAY

6. TOTAL NET MONTHLY TAKE HOME PAY	\$ 2,737.54	\$ 689.52
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7. Regular income from operation of business or profession or farm. (Attach detailed statement)
8. Income from real property
9. Interest and dividends
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.
11. Social security or other government assistance (Specify): _____

7.	\$ 0.00	\$ 0.00
8.	\$ 0.00	\$ 0.00
9.	\$ 0.00	\$ 0.00
10.	\$ 0.00	\$ 0.00
11.	\$ 0.00	\$ 0.00

12. Pension or retirement income

13. Other monthly income (Specify): _____

12.	\$ 0.00	\$ 0.00
13.	\$ 0.00	\$ 0.00

14. SUBTOTAL OF LINES 7 THROUGH 13

14. SUBTOTAL OF LINES 7 THROUGH 13	\$ 0.00	\$ 0.00
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15. TOTAL MONTHLY INCOME (Add amounts shown on lines 6 and 14)

15. TOTAL MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ 2,737.54	\$ 689.52
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16. TOTAL COMBINED MONTHLY INCOME: \$ **3,427.06**

(Report also on Summary of Schedules)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

In re

Andre L. Stevens
Brenda D. Stevens

Debtor(s)

Case No. 06-30431

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S)
Detailed Income Attachment

Other Payroll Deductions:

401K	\$ 120.73	\$ 0.00
401K	\$ 120.68	\$ 0.00
Savings Bond	\$ 54.17	\$ 0.00
Total Other Payroll Deductions	\$ 295.58	\$ 0.00

In re **Andre L. Stevens**
Brenda D. Stevens

Debtor(s)

Case No. **06-30431**

SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)		\$	0.00
a. Are real estate taxes included?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Is property insurance included?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
2. Utilities:		\$	160.00
a. Electricity and heating fuel		\$	0.00
b. Water and sewer		\$	80.00
c. Telephone		\$	0.00
d. Other		\$	100.00
3. Home maintenance (repairs and upkeep)		\$	500.00
4. Food		\$	100.00
5. Clothing		\$	25.00
6. Laundry and dry cleaning		\$	100.00
7. Medical and dental expenses		\$	250.00
8. Transportation (not including car payments)		\$	50.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.		\$	0.00
10. Charitable contributions		\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		\$	0.00
a. Homeowner's or renter's		\$	0.00
b. Life		\$	0.00
c. Health		\$	136.00
d. Auto		\$	0.00
e. Other		\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)		\$	0.00
(Specify)		\$	0.00
13. Installment payments: (In chapter 11, 12 and 13 cases, do not list payments to be included in the plan.)		\$	418.16
a. Auto		\$	0.00
b. Other		\$	0.00
c. Other		\$	0.00
d. Other		\$	0.00
14. Alimony, maintenance, and support paid to others		\$	0.00
15. Payments for support of additional dependents not living at your home		\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$	75.00
17. Other Personal Hygiene		\$	0.00
Other		\$	0.00

18. TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules) **\$ 1,994.16**

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

20. STATEMENT OF MONTHLY NET INCOME

a. Total monthly income from Line 16 of Schedule I	\$	3,427.06
b. Total monthly expenses from Line 18 above	\$	1,994.16
c. Monthly net income (a. minus b.)	\$	1,432.90

Cavalry
Post Office Box 27288
Tempe, AZ 85285

Dr. Frank A. Bolton
9245 Shady Grove Road
Mechanicsville, VA 23111

Drive Time
Attn: Collections Division
5300 Midlothian Turnpike
Richmond, VA 23225

DT Credit Corp
1030 N. Colorado Street
Gilbert, AZ 85233

HAMMOND

Option One
PO 57054
Irvine, CA 92619-7054

Quantum Servicing Corp.
2 Corporate Drive
Shelton, CT 06484